

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

JULIUS ANDREWS,
REG. #06075-025

PETITIONER

2:08CV00009 WRW/HDY

T. C. OUTLAW

RESPONDENT

ORDER

Plaintiff Julius Andrews has filed a federal civil rights complaint against defendants Hunter and Outlaw, and has been granted in forma pauperis status (DE #11). However, after considering plaintiff's original and amended complaint, in which he seeks injunctive relief solely, in the form of a transfer from a medium to minimum security facility, the Court finds the complaint concerns the fact or length of his sentence.. Therefore, the Court finds that this case should not be designated as a civil rights (555) action, but rather, as a habeas corpus petition, with his present custodian, T.C. Outlaw, named as the appropriate respondent.

The filing fee for a habeas corpus petition is \$5.00, as opposed to the civil case filing fee of \$350.00, which was imposed by this Court's February 19, 2008 Order. Therefore, that Order is now rescinded, and any monies which have been withdrawn from plaintiff's Inmate Trust Account pursuant to that Order shall be refunded to the plaintiff. Plaintiff (or petitioner) is now responsible for the \$5.00 filing fee for this habeas petition, and shall forward such, or a new application to proceed in forma pauperis, to the Clerk of the Court. Accordingly,

IT IS, THEREFORE ORDERED that the Clerk is directed to change the designation of this case from 555 to 530, and to designate T.C. Outlaw as the Respondent.¹

¹Defendant Karen Hunter shall be terminated from this case.

IT IS FURTHER ORDERED that this Court's February 19, 2008 Order is hereby RESCINDED, and plaintiff shall be refunded any amounts deducted from his Inmate Trust Account pursuant to that Order. Plaintiff shall forward to the Clerk the \$5.00 filing fee, or an application to proceed in forma pauperis in his habeas action, within fifteen days of the date of this Order. The Clerk is directed to forward to the plaintiff an in forma pauperis application.

IT IS SO ORDERED this 7th day of April, 2008.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE